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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10
11 HABEEBULLAH NA'EEM RASHEED,
12 Plaintiff,
13 v.
14 LT. WILLIAM NOAH, et al.,
15 Defendants.

2:12-cv-01016-GMN-NJK

**REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE**

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17 This matter is before the Court on the failure of Plaintiff, Habeebullah Na'eem Rasheed,
18 to comply with an Order of the Court, Docket No. 6, and with LSR 2-2.

19 **BACKGROUND**

20 The Court, having reviewed this matter, hereby makes the following findings:

- 21 1. Plaintiff, Habeebullah Na'eem Rasheed, filed this civil rights action against Lt.
22 William Noah and various other defendants on June 14, 2012. *See*, Complaint,
23 attached as Exhibit 1 to Motion to Proceed in Forma Pauperis (Docket No. 1).
24 2. On March 11, 2013, the Court entered an Order (Docket No. 6) scheduling a
25 status hearing in this case for March 25, 2013. That Order warned Plaintiff that
26 his failure to appear at the hearing "may result in a recommendation that this case
27 be dismissed." *Id.*

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1 3. That Order was sent to the Plaintiff by United States Postal Service Certified Mail
2 on March 11, 2012. (*See* Docket No. 7). The tracking receipt for that certified
3 mail indicates that the order was “Undeliverable as Addressed.” *See* Track &
4 Confirm Receipt attached hereto.

5 4. Plaintiff has not updated his address with the Court as required by LSR 2-2.

6 5. Plaintiff did not appear for the hearing scheduled for March 25, 2013. Docket
7 No. 8. Further, he did not request a continuance of the hearing.

8 Based on the foregoing and good cause appearing therefore,

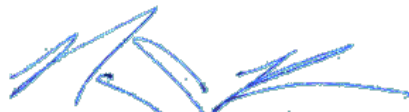
9 **RECOMMENDATION**

10 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
11 **DISMISSED WITH PREJUDICE.**

12 **NOTICE**

13 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
14 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
15 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
16 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
17 (1985), *reh’g denied*, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file
18 objections within the specified time and (2) failure to properly address and brief the
19 objectionable issues waives the right to appeal the District Court’s order and/or appeal
20 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th
21 Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

22 DATED: March 26, 2013

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NANCY J. KOPPE
United States Magistrate Judge

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		Depart USPS Sort Facility	March 17, 2013	OAKLAND, CA 94615	
		Processed through USPS Sort Facility	March 17, 2013, 3:31 am	OAKLAND, CA 94615	
		Undeliverable as Addressed	March 15, 2013, 9:09 am	LAS VEGAS, NV 89108	
		Acceptance	March 11, 2013, 2:44 pm	LAS VEGAS, NV 89199	

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